

REMARKS

The foregoing amendment cancels claims 10-11. Pending in the application are claims 1-9, 13 and 17-19, of which claims 1, 13 and 17-19 are independent. The following comments address all stated grounds for rejection and place the presently pending claims, as identified above, in condition for allowance.

Patentable Subject Matter

Claims 13 and 17-19 are allowed. Claims 1 and 2 are indicated to recite patentable subject matter and would be allowable if the double patenting rejection was obviated. Claims 3-9 are also indicated to recite patentable subject matter and would be allowable if rewritten in independent form or the double patenting rejection was obviated.

Objection to Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. The Examiner notes in the Office Action that the specification does not appear to explicitly or implicitly disclose the subject matter recited in claims 10 and 11. In response, Applicants cancel claims 10 and 11 in the foregoing claim amendments. In light of the foregoing claim amendments, Applicants request the Examiner to withdraw the objection to the specification.

Rejection of Claims 10 and 11 under 35 U.S.C. §102

Claims 10 and 11 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,696,192 ("Kanai"). In the foregoing claim amendments, Applicants cancel claims 10 and 11. In light of the foregoing claim amendments, Applicants submit that the rejection of claims 10 and 11 is moot, and request the Examiner to withdraw the rejection of claims 10 and 11 under 35 U.S.C. §102(e).

Double Patenting Rejection


Claims 1 and 2 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 11-13, 15, 17, 19, 22, 24, 25, 34, 35, 39, 40, 42 and 43 of co-pending U.S. Patent Application No. 09/870,957. Applicants respectfully disagree with the Examiner's position. Applicants, however, submit a terminal disclaimer to expedite the prosecution of the pending application. The submission of the terminal disclaimer should not be considered as an acquiescence to the Examiner's rejection of claims 1 and 2. Applicants also submit that the submission of the terminal disclaimer does not affect the scope of the claimed invention. In light of the terminal disclaimer, Applicants respectfully request the Examiner to withdraw the rejection of claims 1 and 2 under the judicially created doctrine of obviousness-type double patenting, and pass the claims to allowance.

Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If, however, the Examiner considers that obstacles to allowance of these claims persist, we invite a telephone call to Applicants' representative.

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Respectfully submitted,

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